

ABC PROCESS SERVICE, INC.
 Attorney:
 COHEN MILSTEIN HAUSFELD TOLL,
 P.L.L.C.
 Index No. 253/08
 Date Filed 01/11/2008
 Office No. CMHT0174140R

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

ANDREW F. ROSE, INDIVIDUALLY AND ON BEHALF: (PLAINTIFF)

OF ALL OTHERS SIMILARLY SITUATED
 against (DEFENDANT)

ACA CAPITAL HOLDINGS, INC., ETAL;

STATE OF NEW YORK, COUNTY OF NEW YORK SS:
 JOSHUA NAVARRETTE being duly sworn deposes and says:
 I am over 18 years of age, not a party to this action and reside in the State of New York:

That on the 17 day of January 2008 at 4:00 PM, at
 140 BROADWAY, 47 FL; NEW YORK, NY 10005 C/O ACA CAPITAL HOLDINGS INC.
 I SERVED the SUMMONS IN A CIVIL ACTION AND COMPLAINT upon
 ALAN S. ROSEMAN

the defendant herein named by delivering to and leaving a true copy of said
 SUMMONS IN A CIVIL ACTION AND COMPLAINT
 with a person of suitable age and discretion: to wit MS. STACEY L. TYSON,
 AUTHORIZED TO ACCEPT/ ASSOCIATE GENERAL COUNSEL Deponent described Person served
 as aforesaid to the best of
 deponents ability at the time and circumstances of service as follows:

Sex FEMALE, Color WHITE, Hair BROWN/RED, app. age 38 YRS, app. ht 5'4", app. wt
 135 LBS

That on the 24 day of January 2008 I deposited in the U.S. mail a true copy of
 the SUMMONS IN A CIVIL ACTION AND COMPLAINT
 properly enclosed and sealed in a post-paid wrapper addressed to the said
 defendant at the aforementioned

(B) (place of business marked personal and confidential)
 140 BROADWAY, 47 FL; NEW YORK, NY 10005 C/O ACA CAPITAL HOLDINGS, INC.

BY FIRST CLASS MAIL. AND NOT BEARING ANY IDENTIFICATION TO A LAWSUIT.

That at the time of service aforesaid, I asked Person so served or Person spoken
 to whether the defendant herein was in the military service of the State of N.Y.
 or the United States and received a negative reply. Upon information and belief
 based upon the conversation and observation as aforesaid I aver that the
 defendant is not in the military service of the State of N.Y. or the United
 States as that term is defined in the statutes of the State of N.Y. or the
 Federal Soldiers and Sailors Civil Relief Act.

SWORN to before me this 24
 day of January 2008

JAY BRODSKY
 Notary Public, State of New York
 No. 31-4683271
 Qualified in New York County
 Commission Expires 02/2011

JOSHUA NAVARRETTE
 License No.: 1232614

:bb